



# UNITED STATES PATENT AND TRADEMARK OFFICE

51  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,869	06/21/2001	Hong Cai	JP92000142US1 (14657)	6085

7590 09/20/2004

Steven Fischman  
Scully, Scott, Murphy & Presser  
4000 Garden City Plaza  
Garden City, NY 11530

EXAMINER
----------

JOO, JOSHUA

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/886,869	<b>Applicant(s)</b> CAI ET AL.	
	<b>Examiner</b> Joshua Joo	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/02/2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/21/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-4 are rejected.

***Information Disclosure Statement***

2. The disclosure is objected to because of the following informalities: In the Information Disclosure Citation under U.S. Patent Documents, the list is for references that are patented US documents, not published applications. 09/409,372 and 09/409,373 should be in the specification under copending related cases. Appropriate correction is required.

***Specification***

3. The specification is objected to because of the following informalities: The specification does not include references mentioned in the Information Disclosure Statement. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt III, Patent #6,324,565 and in view of Shimomura et al, Patent # 6,526,580, Shimomura hereinafter.
6. As per claim 1, Holt teaches an apparatus for providing generated documents to clients. Holt's invention comprises of:

Art Unit: 2154

a) Network connecting unit for fetching data from backend servers and packaging the data into elements. (Holt III, Column 6, line 29-31. Data is retrieved from the content providing server.)

b) Cache for caching the elements formed by said network connecting unit by packaging. (Holt III, Column 5, line 19-23. The data used in creating the document is cached or stored in the cache.)

- c) i. Controller, in response to a request for information service from a client, for fetching relevant elements from cache. (Holt III, Column 5, line 11-20. Cache software determines if the document is located in the cache, then intermediate server receives document information.)
- ii. For the elements that cannot be fetched from the cache, instructing the network connecting unit to fetch corresponding data from backend servers. (Holt III, Column 5, line 54-62. The system determines whether the data needed to the make the documents are required from the cache and from the content providing server. Holt III, Column 6, line 29-31. Data is retrieved from the content providing server. )
- iii. Obtaining the elements formed by the network connecting unit by packaging all the fetched elements into a document and sending it back to the client. (Holt III, Column 6, line 41-44. Once all the data has been gathered, a document is made. Column 6, line 52-55. Once the document has been created, the document is transmitted to the client.)

7. Holt III teaches of an invention where documents for clients are generated from data obtained from the cache and the backend server to reduce network traffic. However, Holt III's invention from the claim only differs in that Holt III refers to documents but does not mention XML. Shimomura's invention discloses caching of information to form XML documents because he states it is one of the most popular methods of presenting information. XML documents do not deal with presentation but just the content itself, and sending just the content will require less bandwidth. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the documents of Holt III into XML documents because sending XML documents will reduce the traffic being send over the network.

8. As per claim 3, Holt III teaches an apparatus for providing generated documents to

Art Unit: 2154

clients. Holt's invention comprises of:

a) Receiving a request for information service from a device. (Holt III, Column 4, line 66-67. Server receives a document request from the client.)

b) Fetching elements which are relevant to the request for information service from a local cache. (Holt III, Column 4, line 24-28. Intermediate server has caching software and cache. Column 5, line 11-20. Cache software determines if the document is located in the cache, then intermediate server receives document information.)

c) If no relevant elements are fetched from the local cache, fetching corresponding data from backend servers, packaging the data into elements in the local cache. (Holt III, Column 6, line 26-34. If the data is not located on the intermediate server, data is received from the content providing server. Once the data is received, it is cached.)

d) Packing all the fetched elements into a document and sending it back to the device. (Column 6, line 41-55. The data is used to create a document and send to the client.)

9. Holt III teaches of an invention where documents for clients are generated from data obtained from the cache and the backend server to reduce network traffic. However, Holt III's invention from the claim only differs in that Holt III refers to documents but does not mention XML. Shimomura's invention discloses caching of information to form XML documents because he states it is one of the most popular methods of presenting information. XML documents do not deal with presentation but just the content itself, and sending just the content will require less bandwidth. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the documents of Holt III into XML documents because sending XML documents will reduce the traffic being sent over the network.

10. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt III and Shimomura as applied to claims 1 and 3 above, and in view of Chandra et al, Patent #6,457,047, Chandra hereinafter.

11. As per claim 2 and 4, Holt III teaches of an invention where documents for clients are generated from data obtained from the cache and the backend server to reduce network traffic. However, Holt III's invention does not teach of an indexing mechanism for creating indices for all the XML elements stored in the cache. Chandra teaches an invention that has a centrally maintained table in the cache directory for determining if the query is cached. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt III and Chandra for the invention of Holt III to have a maintained table of the information in the cache in order to minimize time in obtaining information from the cache.

### ***Conclusion***

12. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 703 605-4345. The examiner can normally be reached on Monday to Friday 7 to 4.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2154

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJ  
September 2, 2004

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100